

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jessica M. Brown,

Plaintiff

v.

Clark County Public Defenders Office,

Defendant

Case No.: 2:24-cv-00437-JAD-DJA

**Order Adopting Report & Recommendation
and Dismissing Action**

[ECF Nos. 1, 3]

Pro se plaintiff Jessica M. Brown brings this civil-rights action against the public defender who represented her in a state-court criminal prosecution, alleging that counsel's ineffective assistance violated her Eighth Amendment rights. She also applies to proceed *in forma pauperis*. The magistrate judge screened the complaint under 28 U.S.C. § 1915(a), found that Brown fails to state a viable claim because public defenders do not act "under color of state law" as is required for a person to be a proper target of such a civil-rights claim, and thus recommends that this case be dismissed with prejudice. The magistrate judge also recommends that Brown's application to proceed *in forma pauperis* be granted.¹ The deadline for Brown to object to that recommendation was April 3, 2024, and Brown neither filed an objection nor moved to extend the deadline to do so. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."² Having reviewed the R&R, I find good cause to adopt it, and I do.

IT IS THEREFORE ORDERED that Brown's application to proceed *in forma pauperis* **[ECF No. 1] is GRANTED**. This status doesn't relieve plaintiff of her obligation to pay the full

¹ ECF No. 3.

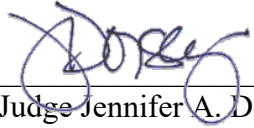
² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 filing fee under 28 U.S.C. § 1915, as amended; it just means that she can do it in installments.

2 The full \$350 filing fee will remain due and owing even though this case is being dismissed.

3 In order to ensure that the plaintiff pays the full filing fee, IT IS FURTHER ORDERED
4 that **the Nevada Department of Corrections must pay to the Clerk of the United States**
5 **District Court, District of Nevada, 20% of the preceding month's deposits to the account of**
6 **Jessica M. Brown, # 1175563** (in months that the account exceeds \$10.00) until the full \$350
7 filing fee has been paid for this action. The Clerk is directed to **SEND** a copy of this order (1) to
8 the Finance Division of the Clerk's Office and (2) to the attention of Chief of Inmate Services for
9 the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

10 IT IS FURTHER ORDERED that **this case is DISMISSED with prejudice for failure**
11 **to state a claim.** The Clerk of Court is directed to CLOSE THIS CASE.

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14 U.S. District Judge Jennifer A. Dorsey
15 April 8, 2024
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